

Remarks**1. Rejection of Claims 13-25 under 35 USC § 103 over Mariotti in view of Nakagawa et al and Kolarik**

The Examiner has rejected Claims 13 – 25 under 35 USC § 103 as unpatentable over Mariotti in view of Nakagawa et al (Nakagawa) as evidence by Kolarik. Mariotti fails to specify molecular weights, the amount of styrene and the ratio between the high molecular components and the medium molecular weight components.

The examiner relies upon Nakagawa for teaching of thermoplastic composition where high impact strength decreases when only low molecular block weight block copolymer or only high molecular weight block copolymer are used in a thermoplastic composition. Office Action p. 5. Nakagawa relates to polyphenylene ether compositions and fails to mention medium molecular weight components. The Examiner asserts that it would be obvious to one of ordinary skill in the art to combine the low molecular weight block copolymer and high molecular weight block copolymer to obtain the desired physical properties, including tensile strength and surface appearance. The Examiner relies upon *In re Boesch* to provide support for this statement. It is respectfully submitted that *In re Boesch* does not stand for the proposition the Examiner asserts. The ranges in the prior art and the claims overlapped in *In re Boesch*, which is entirely different than the present case. There is no overlap in the present case because neither Mariotti nor Nakagawa disclose a ratio between high molecular weight components and medium weight components. Additionally, Nakagawa concerns polyphenylene ether compositions and the suggestion made by the Examiner that a block copolymer is compatible with any type of polymer is incorrect.

2. Rejection of Claims 13-25 under 35 USC § 103 over Himes et al in view of Leicht and Mariotti

The examiner has rejected claims 13 – 25 under 35 USC § 103 as being unpatentable over Himes et al (Himes) in view of Leicht and Mariotti. Himes pertains to copolymer blends with improved oil absorption resistance. The examiner seeks to combine this reference with

Leicht and Mariotti which are concerned with foam compositions. The combination of Himes with Leicht and Mariotti would destroy Himes' oil absorption resistance. Instead, the addition of foam to Himes would increase oil absorption, which teaches away from the present invention.

3. Rejection of Claims 13-25 under 35 USC § 103 over Himes in view of Burnell and Mariotti

The Examiner has rejected claims 13 – 25 under 35 USC § 103 as unpatentable over Himes in view of Burnell and Mariotti. Himes pertains to copolymer blends with improved oil absorption resistance. The examiner seeks to combine this reference with Burnell and Mariotti which are concerned with foam compositions. The combination of Himes with Burnell and Mariotti would destroy Himes' oil absorption resistance. Instead, the addition of foam to Himes would increase oil absorption and none of the uses in Column 3 is for foam compositions.

The Examiner claims that it would have been obvious to choose the particular Kraton product according to particular needs. It should be noted that not all products under the Kraton trademark have the same or similar properties, and these properties change when combined with other block copolymers and other components. The same holds true for the products under the Moplen trademark. Therefore, it would not be obvious for one skilled in the art to select a particular Kraton G product to produce the present invention.

4. Rejection of Claim 26 under 35 USC § 103 over Burnell in view of Himes

The examiner rejects claim 26 under 35 USC § 103 as being unpatentable over Burnell in view of Himes. Burnell relates to foam compositions and none of the uses in Column 3 of Himes is for foam compositions. Consequently, it is respectfully submitted that Himes is not analogous art and thus not properly combinable with Burnell. The Examiner claims Himes teaches a pre-blend that can be used with the blowing agent of Burnell, which if occurs, would destroy Himes' oil absorption resistance. The addition of foam to Himes would increase oil absorption.

The examiner asserts that Himes describes a blend of Kraton G, oil and a polyolefin, which is not a reason to combine the references. The use of Himes and Burnell are not the same

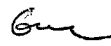
as indicated in Column 3 of Himes. Again, there is not teaching or suggestion of substituting the styrene block copolymers of Himes for those in Burnell would result a foamable composition. The combination of these two references relies upon impermissible hindsight reasoning.

Conclusion

In light of these remarks it is submitted that the present claims are in condition for allowance.

Respectfully submitted,

Date: April 19, 2010

/Gregory N. Clements/ 
Gregory N. Clements
Registration No.: 30,713
Attorney for Applicant

CLEMENTS | BERNARD
1901 Roxborough Road, Suite 250
Charlotte, North Carolina 28211 USA
Telephone: 704.790.3600
Facsimile: 704.366.9744
gclements@worldpatents.com

GNC/SLH/hl

f:\wpnet\kraton polymers\patents\l0010-us\final oa\response to final oa 41210.doc